

DF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN CLERK'S OFFICE OF
U.S. DISTRICT COURT FOR E.D.N.Y.
★ OCT 06 2005 ★

----- X

EDWIN CANDELARIA,

P.M. _____
TIME A.M. _____

Plaintiff, ORDER OF DISMISSAL

CV 2004-5556 (ARR) (MDG)

- against -

LONG ISLAND RAIL ROAD COMPANY,

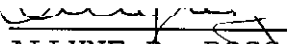
Defendant.

----- X

The parties having advised the Court that they have reached an agreement to settle this action and no party being an infant or incompetent, it is hereby

ORDERED, that this action is discontinued with prejudice and without costs to any party, but with leave to re-open if the settlement agreement is not consummated and application for reinstatement is made within sixty days of the date of this Order.

Dated: Brooklyn, New York
October 5, 2005


ALLYNE R. ROSS
UNITED STATES DISTRICT JUDGE

MICHAEL D. FLYNN

ATTORNEY AT LAW
11 PENN PLAZA - FIFTH FL
NEW YORK, NEW YORK 10001

212-946-2718
FAX 212 946-2722

VALERIE J. LAURIELLO

October 4, 2005
718-260-2556

Honorable Marilyn Dolan Go
U.S. Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Candelaria v. LIRR, CV-04-5556.

Honorable Madam:

May it please the Court.

The undersigned respectfully requests, with the consent of his adversary, Christopher P. Yodice, attorney for the defendant LIRR, that the telephone conference scheduled for Tuesday, October 4, 2005, 1:45 PM be canceled.

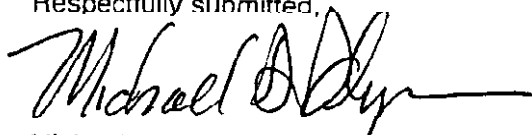
The case has been settled for a sum of \$235,000.00. The parties will execute a Stipulation of Discontinuance and same will be filed with the Court by the attorney for the defendant within thirty days.

The Court is authorized to discontinue the action, with leave to reopen if the settlement is not consummated within 60 days hereof.

The attorneys thank your Honor for her effort, patience and time in resolving this matter.

Wherefore, for good cause shown, it is respectfully requested that the court cancel the October 4, 2005, telephone conference.

Respectfully submitted,



Michael D. Flynn (MF 2802)

Copy to:
Christopher P. Yodice, Esq.
Attorney for Defendant LIRR
Via Fax 718-558-8211